

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MW CAPITAL FUNDING, INC.,
a Delaware corporation,

Plaintiff,

Case No. 16-14459

v.

Hon. George Caram Steeh

MAGNUM HEALTH AND REHAB
OF MONROE LLC, *et al.*,

Defendants.

_____ /

ORDER GRANTING MOTION FOR RELIEF FROM
TEMPORARY RESTRAINING ORDER (ECF NO. 187)

The Estate of Victoria Proffitt seeks relief from the court's stay order (ECF No. 7) so that it may file a medical malpractice action in state court against Defendant Magnum Health and Rehab of Adrian. The court has received no response or objection to the Estate's motion.

Defendant was under receivership in this action. The court's order appointing the Receiver provides that "pending further Order of this Court, no creditor of Defendants . . . shall seek, create or perfect a security interest, lien, claim, right, pledge, option or other encumbrance in, to or against the Defendants or the Receivership Assets or levy or execute upon the Receivership Assets." ECF No. 7 at ¶ 18. Since the entry of that order,

Defendant's assets have been sold (ECF No. 81) and the court has approved the Receiver's final accounting and report. ECF No. 177. Although the court has not discharged the Receiver due to a dispute between the management company and buyer, Defendant is no longer operating under receivership. In addition, the Estate does not intend to name the Receiver as a Defendant. Under the circumstances, the court's order does not preclude the Estate from filing a medical malpractice action against Defendant Magnum Health and Rehab of Adrian.

Accordingly, IT IS HEREBY ORDERED that the Estate of Victoria Proffitt's motion for relief from temporary restraining order (ECF No. 187) is GRANTED.

Dated: March 26, 2021

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 26, 2021, by electronic and/or ordinary mail.

s/Brianna Sauve
Deputy Clerk